

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOSEPH BURTON MIAL BEY,)	
)	
Petitioner,)	
)	
v.)	1:18CV990
)	
SGT. ARTHUR, et al.,)	
)	
Defendant(s).)	

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 30, 2018, was served on the parties in this action. Plaintiff objected to the Recommendation. (Doc. 4.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms and in the correct district, which corrects the defects cited in the Recommendation. A judgment

dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder
United States District Judge

December 29, 2018